

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

BRIAN Y.,<sup>1</sup>

Plaintiff,

vs.

MARTIN O'MALLEY, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

Case No. 22-cv-777-SMY

**MEMORANDUM AND ORDER**

YANDLE, District Judge:

Before the Court is the parties' Agreed Motion to Remand to the Commissioner (Doc. 36), seeking to have this case remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) is based upon a finding of error, and is itself a final, appealable order. *See Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of the plaintiff. *Shalala v. Schaefer*, 509 U.S. 292, 302-303 (1993). Here, the parties agree that, upon remand, the Administrative Law Judge should consider whether Plaintiff's medically determinable impairments meet or medically equal a listing; properly evaluate medical opinions, including any medical source statements, as required by the regulations; asses Plaintiff's residual functional capacity as appropriate; if warranted, obtain

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<sup>1</sup> In keeping with the Court's practice, Plaintiff's full name will not be used in this Memorandum and Order due to privacy concerns. *See* Fed.R.Civ.P. 5.2(c) and the Advisory Committee Notes.

supplemental expert testimony, and ensure to the extent required by the regulations that any vocational evidence is appropriate; and issue a new decision.

For good cause shown, the parties' Agreed Motion to Remand to the Commissioner (Doc. 36) is **GRANTED**. The final decision of the Commissioner of Social Security denying Plaintiff's application for social security disability benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence four of 42 U.S.C. § 405(g). The Clerk of Court is **DIRECTED** to enter judgment in favor of Plaintiff and close this case.

**IT IS SO ORDERED.**

**DATED: November 4, 2024**



**STACI M. YANDLE**  
**United States District Judge**